

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GENON MIDATLANTIC, LLC and GENON)	
CHALK POINT, LLC)	
)	Case No. 11 CIV 1299 (HB/FM)
Plaintiff,)	
)	
<i>-against-</i>)	
)	
STONE & WEBSTER, INC.,)	NOTICE OF MOTION
)	<u>FOR SANCTIONS</u>
Defendant and Third-Party Plaintiff)	
)	
<i>-against-</i>)	Oral Argument Requested
)	
SIEMENS WATER TECHNOLOGIES)	
CORPORATION,)	
)	
Third-Party Defendant)	

PLEASE TAKE NOTICE that, upon the Declaration of Michael Branca dated December 22, 2011, together with supporting exhibits annexed thereto, the Memorandum of Law in Support, and all prior pleadings and proceedings had herein, Stone & Webster, Inc. will move this Court, before the Honorable Harold Baer, Jr., located at 500 Pearl Street, New York, New York, at a date and time to be set by the Court, granting the following sanctions against plaintiffs by reason of the spoliation of evidence by plaintiffs' agent, FTI, Inc.: dismissal of plaintiffs' complaint, or in the alternative precluding FTI from offering expert testimony in this action by affidavit or testimony, or drawing an adverse inference against GenOn and any evidence offered by FTI, or costs and expenses and such other relief in favor of Stone & Webster, Inc. as this Court may deem just under the circumstances.

PLEASE TAKE FURTHER NOTICE that, responses or objections, if any, to the motion must be served in accordance with the Court's rules, including Local Civil Rule 6.1.

Dated: December 22, 2011

Respectfully Submitted,

PECKAR & ABRAMSON, P.C.

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